

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

DORMAN ANGEL, et al.

Plaintiffs

vs.

**UNITED PAPERWORKERS
INTERNATIONAL UNION (PACE)
LOCAL 1967, et al.**

Defendants

: CIVIL ACTION NO. C-1-01-467
:
: JUDGE: **SANDRA S. BECKWITH**
:
:
: **NOTICE TO TAKE DEPOSITION**
: **OF INTERNATIONAL PAPER**
: **REPRESENTATIVE PURSUANT TO**
: **RULE 30(b)(6)**
:
:

Now come Plaintiffs, by and through counsel, and hereby gives notice of the taking of the deposition of a representative of International Paper pursuant to Fed. R. Civ. P. 30(b)(6). International Paper shall designate one or more of its officers, directors or managing agents or other persons who consent to testify on its behalf as to the following issues:

1. The identification of the individual or individuals who negotiated on behalf of International Paper with Smart Corporation for the sale of the B Street Mill. This includes what, if any, participation included Steve Liff.
2. The participation by International Paper in the effects bargaining agreement with the unions at the B Street Mill and the nature of that participation.
3. Discussions relating to the effects bargaining agreement with the unions at the B Street Mill, including any discussions relating to severance for the employees who would be retained or terminated upon sale of the B Street Mill.
4. Discussions between International Paper and Smart relating to the sale agreement, the retention of employees, the rehiring of employees by Smart, and the payment

of severance for employees who were not retained by Smart.

5. The role of Steve Liff in the issues identified in paragraph 4.
6. The issue of what, if any, contingencies existed between International Paper and Smart in the event an agreement could not be reached between International Paper and the unions relating to the effects bargaining of the plant closure.
7. The issue of any discussions which may have occurred with representatives of International Paper in the event an effects bargaining agreement could not be reached between International Paper and the unions relating to the sale of the B Street Mill.
8. Whether International Paper and its representatives considered the effects bargaining agreement that was executed with the unions a collective bargaining agreement or a part of the bargaining agreement that existed.
9. What, if any, contingencies existed or discussions occurred regarding the assumption of the union contract or a plant strike if no agreement could be reached between International Paper and the unions?
10. What, if any, discussions occurred relating to providing Smart with a work force to operate the plant upon sale and transfer of the plant from International Paper to Smart?

Said deposition will take place on the 4th day of March, 2005 at 10:00 a.m. Eastern Standard Time by telephone at the offices of Jacobs, Kleinman, Seibel & McNally, 1014 Vine Street, Suite 2300, Cincinnati, Ohio, 45202. You are invited to participate.

RESPECTFULLY SUBMITTED,

/s/ Mark J. Byrne

MARK J. BYRNE - #0029243

JACOBS, KLEINMAN, SEIBEL & MCNALLY

Trial Attorneys for Plaintiffs

2300 Kroger Building

1014 Vine Street

Cincinnati, OH 45202

Tele: (513) 381-6600

Fax: (513) 381-4150

E-mail: mbyrne@jksmlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on March 3, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Grant S. Cowan, Esquire
Frost Brown Todd LLC
Attorney for Defendant
International Paper Company
2200 PNC Center
201 E. Fifth Street
Cincinnati, OH 45202
gcowan@fbtlaw.com

Vincent J. Miraglia, Esquire
International Paper Company
Legal Department
6400 Poplar Avenue
Memphis, TN 38197
vincent.miraglia@ipaper.com

W. Carter Younger, Esquire
McGuire Woods LLP
Attorney for Defendant
International Paper Company
One James Center
901 E. Cary Street
Richmond, VA 23219
cyounger@mcguirewoods.com

James B. Robinson, Esquire
Kircher, Robinson & Welch
Attorney for Defendant
PACE International Union
2520 Kroger Building
1014 Vine Street
Cincinnati, OH 45202
kircher@fuse.net

Robert J. Hollingsworth, Esquire
Cors & Bassett
Attorney for Defendant Smart Papers, LLC
537 E. Pete Rose Way, Suite 400
Cincinnati, OH 45202
rjh@corsbassett.com

Stanley F. Lechner, Esquire
Laine S. Posel, Esquire
Morgan, Lewis & Bockius
Attorney for Defendant
Smart Papers, LLC
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004
slechner@morganlewis.com
lposel@morganlewis.com

Robert I. Doggett, Esquire
Attorney for Defendant
PACE Local 5-1967
6740 Clough Pike, Room 200
Cincinnati, OH 45244
rdoggett@sprynet.com

Charles P. Groppe, Esquire
Morgan, Lewis & Bockius
Attorney for Defendant
Smart Papers LLC
1111 Pennsylvania Avenue, NW
Washington, DC 20004
cgroppe@morganlewis.com

I also certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

Ronald Morgan, Esquire
Morgan & Associates
118 South Second Street
Hamilton, OH 45011

/s/ Mark J. Byrne

MARK J. BYRNE - #0029243

Attorney for Plaintiffs